

220 CMR 7.00: RESIDENTIAL ENERGY CONSERVATION SERVICE PROGRAM
COST RECOVERY

Section

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7.01: Definitions

Under 220 CMR 7.00, the following words and phrases shall have the following meanings, unless the context requires otherwise:

Department, The Department of Telecommunications and Energy.

Municipal Load Aggregator, a municipality or group of municipalities establishing a load aggregation program under M.G.L. c. 164, §§ 134(a) and (b).

Person, any individual, partnership, corporation, trust association, utility, agency, or any political subdivision of the Commonwealth.

Ratepayer, any person who receives a bill from a utility for electricity or gas purchased from such utility.

State Plan, the plan adopted by the Division of Energy Resources ("DOER") specifying the program requirements, how they will be implemented, and who will carry them out under the Massachusetts residential energy conservation service ("ECS").

Third Party, any entity providing services as mandated by M.G.L. c. 164, App. §§ 2-1 - 2-10 and M.G.L. c. 25, § 11A, and the State Plan of which a utility company is an incorporator, sponsor or contractor.

Utility, any electric or gas company, as defined in M.G.L. c. 164, § 1.

Year, for purposes of the cost recovery of expenses for the ECS programs for each

utility, the term year shall mean a period commencing January 1 and ending December 31.

7.02: Accounting Treatment of Expense Items

The expenses and costs attributable to providing any services under the State Plan by any utility or municipal load aggregator directly providing such services shall be expensed (for purposes of recovery) within Account 916 - Miscellaneous Sales Expense. Each of the expenses shall be maintained within a separate account within Account 916 which shall include but is not limited to the following subaccounts:

- (1) Program Announcements and Promotion Costs.
- (2) Public Information Costs.
- (3) Administrative and General Expenses associated with energy audits, list distribution, customer billing services, arranging installation or financing of energy conservation measures, and conciliation conference expenses.
- (4) Performance of energy conserving practices during an audit.
- (5) Labor Costs Related to an energy audit.
- (6) Post-installation expenses.
- (7) Division of Energy Resources and Department of Telecommunications and Energy cost assessments.

Further, each of the aforementioned subaccounts shall be segregated into the following categories:

- (a) one-to-four-unit residential audits;
- (b) multifamily residential audits;
- (c) commercial audits; and
- (d) implementation services.

Any third party providing such services shall maintain separate subaccounts in the same manner and form as prescribed in 220 CMR 7.02(a).

A utility or municipal load aggregator whose obligation is being discharged by a third party shall expense to Account 916 the total gross of such expenses billed to the utility by the third party for ECS expenses. Any expense directly incurred by a utility or municipal load aggregator shall be maintained in a separate subaccount within Account 916.

7.03: Revenue Treatment

Any revenue attributable to the payments by a customer of a utility or municipal load aggregator for any services provided under the ECS program shall be accounted for in a subaccount within Account 456 (Other Electric Revenue) or Account 495 (Other Gas Revenues). Included within such subaccounts shall be all revenue attributed to an adjustment in rates as set forth in 220 CMR 7.06. A utility or municipal load aggregator shall maintain appropriate and separate subaccounts as approved by the Department within those accrual and deferral accounts which are necessary for the associated balance sheet transactions.

7.05: Annual Budget

- (1) Each utility or third party or municipal load aggregator shall file with the Department no later than November first of each calendar year its proposed ECS operating budget for the year beginning on January first of the subsequent year. Said operating budget shall enumerate the income and expenses that will be necessary to carry out the State Plan during the forthcoming period.
- (2) No later than November 1 of each calendar year, a gas utility shall file an application for an adjustment in its rates to recover the expenses contained in its operating budget or the expenses related to the operating budget of any third party providing ECS services for the period commencing January 1 of the subsequent year, together with any information necessary to calculate such rate adjustment. Such information shall be submitted in the form provided by the Department.
- (3) Approval of each utility's or third party's or municipal load aggregator's budget and the application for an adjustment in a utility's rates shall be decided after notice and public hearing.
- (4) For purposes of compliance with M.G.L. c. 164, App. §§ 2-1 - 2-10, a utility's or municipal load aggregator's filing of its proposed budget or application for an adjustment in its rates earlier than the dates set forth in 220 CMR 7.05(a) and 7.05(b) shall not cause the statutory time period for hearings to be commenced.

7.06: Cost Recovery

Each gas utility shall be allowed to collect from its from ratepayers an equal monthly charge based upon its approved operating budget. The charge shall be calculated at least yearly, unless otherwise ordered by the Department, and be put into effect on January 1 for the following 12-month period. The charge shall be based on the allowed expenses contained within the approved operating budget for that period. The charge shall be calculated on the amount of those expenses, less any revenues expected to be received under the ECS program during that period, divided by the total number of firm ratepayers of such utility. This amount shall be charged to each ratepayer in equal monthly installments (or equal bi-monthly installments in the case of a utility which bills bi-monthly).

7.07: Rate Treatment

The monthly or bi-monthly surcharge calculated in accordance with 220 CMR 7.06 shall be incorporated into the first block or step of each gas company's rates or, where appropriate, such surcharge shall be incorporated into the monthly (or bi-monthly) customer charge.

An explanation of the ECS program shall be printed on a separate bill insert as approved by the Department and provided at least once each year to every customer of record, and to every customer of record when the customer is initially billed for

service. The schedule for distribution of the ECS program inserts shall be filed in the Utility Implementation Plan at the time that the utility files its annual Utility Implementation Plan with the Division of Energy Resources.

7.08: Rate Schedule

Such monthly charge shall be contained within a separate rate schedule to be filed by each gas utility with the Rates Division of the Department.

7.09: Quarterly Reports

Each gas utility or third party shall file quarterly a report with the Department's Secretary on or before the 30th of the months of April, July, October and January for the previous quarter of operation of the ECS programs. The reports shall contain a description of the activities performed pursuant to the State Plan and 225 CMR § 4.00 *et seq.* A gas utility annual report shall also be filed with the Department at the same time as the quarterly report due in January for the previous year's operation and shall contain the same information, on an annual basis, as required in the quarterly reports. The gas utility annual report shall also contain a breakdown of the expenses actually incurred by a utility or third party in the same format and detail that the proposed operating budget is submitted. Each electric company and municipal load aggregator shall file an annual report with the Department no later than September 1 addressing ECS costs and accomplishments from the previous calendar year.

7.10: Annual Reconciliation

Each gas utility shall take into account deficiencies or surpluses of revenues for such ECS expenses produced from the previous surcharge when submitting its proposed operating budget. This shall be considered the reconciliation period required for each gas utility. Such reconciliation shall be included in the surcharge billed in the next succeeding year.

Each electric company and municipal load aggregator shall take into account deficiencies or surpluses of revenues for such ECS expenses produced from the previous calendar year when submitting its proposed operating budget. This shall be considered the reconciliation period for each electric utility and municipal load aggregator. Such reconciliation shall be reflected in the proposed operating budget for the next succeeding calendar year.

7.11: Budget Amendment Procedures

A utility or municipal load aggregator may at any time, on its own motion or as may be required by the Department, petition the Department to amend its operating budget or surcharge. The Department may order such a change after notice and public hearing of such petition.

REGULATORY AUTHORITY

220 CMR 7.00: M.G.L. c. 164 App. §§ 2-1 - 2-10.